

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

DR. JOSEPH NICOLosi,)	
)	
Plaintiff,)	
)	11 CV 03826
v.)	JURY DEMAND
)	
JAN MOODY,)	
Defendant.)	

PLAINTIFF'S RENEWED FOR DEFAULT JUDGMENT

NOW COMES Plaintiff by and through his attorney for his renewed motion for default judgment states as follows.

1. On July 8, 2011 the Plaintiff filed the return of service proving that the Defendant was personally served on July 1, 2011. (See **Exhibit 1**).

2. On August 3, 2011 the Plaintiff filed a motion for default. On August 3, 2011 the Plaintiff mailed the motion for default judgment to 2130 Winston Drive, Cocoa, Florida 32926.

3. On August 8, 2011 this court denied the motion for default apparently based on a phone conversation made by Defendant to the court. Apparently, the Defendant informed this court that she was improperly served and that 2130 Winston Drive, Cocoa, Florida 32926 did not exist.

4. There is no question that the Defendant must have provided false information to this court. Defendant was properly served because she was personally served at 2130 Winston Drive, Cocoa, Florida 32926 where she lives. (See **Exhibit 1**). The motion for default judgment was mailed to the same address and attached as **Exhibit 2** is a copy of a driver's license of Ms.

Moody establishing that she lives at 2130 Winston Drive, Cocoa, Florida 32926. In fact, the process server has identified that the person she served is Jan Moody after looking at a copy of Jan Moody's driver's license and has identified the property where she served Jan Moody. (See Exhibit 3).

5. The Plaintiff seeks a default judgment and he reincorporates his previous motion for default as if set forth fully herein.

WHEREFORE Plaintiff prays that this court enter a default judgment against Jan Moody and for further relief that is just and equitable in the circumstances.

DR. JOSEPH NICOLOSI,

By: s/Joseph T. Gentleman
His Attorney

Joseph T. Gentleman (ARDC NO. 6244501)
33 North Dearborn Street
Suite 1401
Chicago, Illinois 60602
(312) 220-0020

EXHIBIT 1

AO 440: (Rev. 03/00) Summons in a Civil Action

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

SUMMONS IN A CIVIL CASE

DR. JOSEPH NICOLOSI,

CASE NUMBER: 11 cv 03826

V.

ASSIGNED JUDGE: George W. Lindberg

JAN MOODY

DESIGNATED
MAGISTRATE JUDGE: Honorable Nan R. Nolan

TO: (Name and address of Defendant)

Jan Moody
2130 Winston Drive
Cocoa, Florida 32926

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Joseph T. Gentlemen
33 N. Dearborn Street
Suite 1401
Chicago, Illinois 60602

an answer to the complaint which is herewith served upon you, within 21 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

MICHAEL W. DOBBINS, CLERK

(By) MICHAEL W. DOBBINS, CLERK

Olyssia

(By) DEPUTY CLERK



DATE

June 6, 2011

DATE

AO 440 (Rev. 05/00) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by rule (1)	DATE <u>7-1-11</u> <u>11:15AM</u>	
NAME OF SERVER (PRINT) <u>Terry J. Wilson</u>	TITLE <u>Process Server #279</u>	
Check one box below to indicate appropriate method of service		
<input checked="" type="checkbox"/> Served personally upon the defendant. Place where served: <u>2130 Winston Drive, Cocoa, FL 32926</u>		
<input type="checkbox"/> Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: _____		
<input type="checkbox"/> Returned unexecuted: _____ _____ _____		
<input type="checkbox"/> Other (specify): _____ _____ _____		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>7-1-11</u>	<u>Terry J. Wilson</u> Signature of Server	
Date		
<u>P.O. Box 115</u> Address of Server <u>Sharps, FL 32959</u>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

EXHIBIT 2

Florida Department of Transportation



Janet Moody

The Sunshine State
LICENSE PLATE

M300-433-49-630-0

JANET MURRAY MOODY
2130 WINSTON DRIVE
COCOA, FL 32926-2504

BIRTH DATE	SEX	DOB	DOB	DOB
04-10-49	F	11-07-00	04-10-07	00-00-00



DATE OF BIRTH

Information is for informational purposes only. Information is not to be used for any other purpose.

bing

2130 Winston Drive, Cocoa FL 32926



Maps

Web Maps

Directions

My places

Map apps

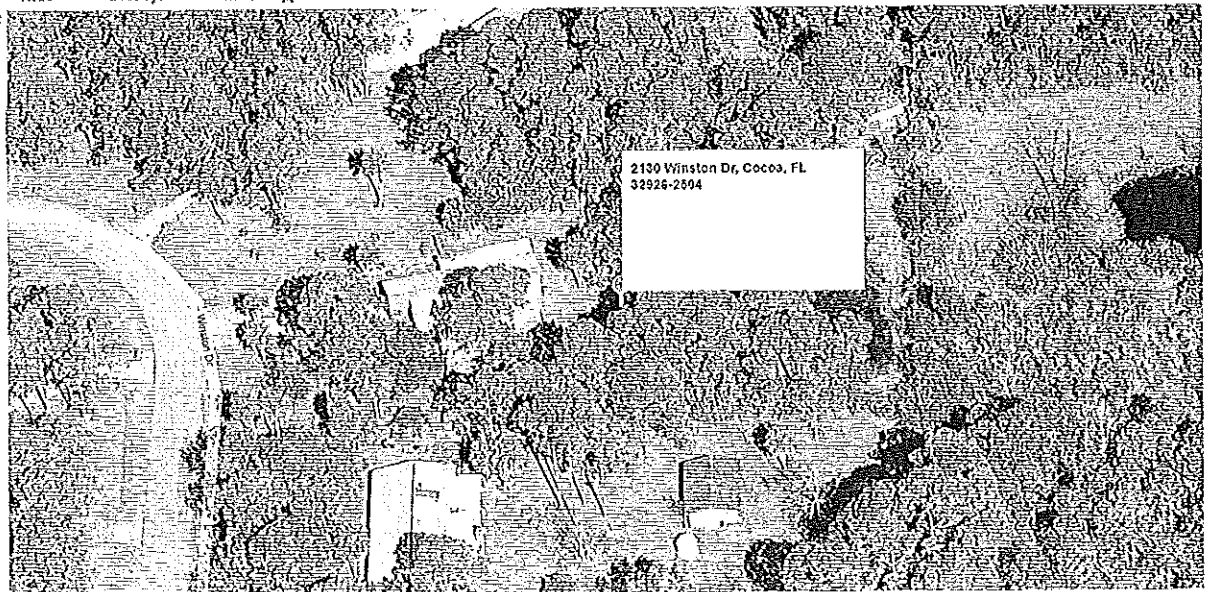
Road

Birds eye

Traffic

...

2130 Winston Dr, Cocoa, FL
32926-2504



2130 Winston Dr, Cocoa, FL
32926-2504

EXHIBIT 3

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

DR. JOSEPH NICOLosi,

Plaintiff,

v.

JANET MOODY,

Defendant.

11 CV 03826

Judge Lindberg

DECLARATION OF TERRY J. WILSON

1. I declare under penalty of perjury that the following is true and correct. Based on my personal knowledge of the facts contained herein I would testify to said facts in a court if called upon to do so.

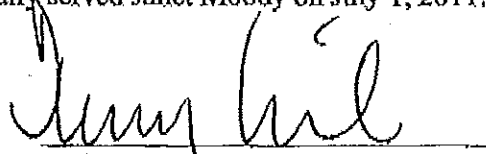
2. I am over 18 years of age and if called to testify would testify to the following.

3. I personally served the Defendant, Janet Moody, on the morning of July 1, 2011 at 11:15am at her home located at 2130 Winston Drive in Cocoa Florida, 32926.

4. I personally served Janet Moody in the presence of man who identified himself as her husband, Clark Moody.

5. I can verify that the attached image of Janet Moody's Florida Driver's License (#M300-433-49-630-0) is a clear and accurate representation of the person whom I personally served on July 1, 2011 at the home address listed on her Driver's License.

6. I can also verify that the attached Bing aerial photo indicating the 2130 Winston Dr. address in Cocoa, Florida is the home where I personally served Janet Moody on July 1, 2011.


TERRY J. WILSON